

1 COURTHOUSE WAY

David Drew:
Circuit's man
on the move

Continued from Page 1

Massachusetts and the contents of the judges' chambers and the staff offices of hundreds of secretaries, law clerks and other personnel from their former quarters in a 20-story tower in downtown Boston across town to a brand-new 750,000-square-foot courthouse on the city's waterfront.

Four years after that September 1998 relocation was completed, Drew concedes the move was "a daunting task."

"As with any new job," he told The Short Circuit, "I had to learn who the people were; I had to learn two buildings; and I had to learn the courts." His qualifications for the latter responsibility were meager, he conceded, noting, "I'd served on a jury once."

But his previous work experience suggested Drew was well qualified for the task at hand. He spent 30 years at Lexington-based Raytheon Co., most of them in facilities management. When he retired from Raytheon in 1996, a heavy-lifting kind of job was not what Drew, then 59, was looking for. But he happened to see an ad for the newly created move-coordinator position with the 1st Circuit, "and it caught my eye," he said.

The rest is his current job history, which, in addition to the monumental move involving the two Boston courthouses, now includes: the relocation of the U.S. District Court for Rhode Island from its longtime home in downtown Providence into the adjacent John O. Pastore Federal Building on a temporary basis before its return to the historic courthouse, restored to its former glory; and the reopening of the long-vacant federal courthouse in Old San Juan, an Art Deco-style landmark overlooking that city's harbor.

No courthouse relocation is like any other, Drew has discovered. "Each move is unique," he said, noting the variety of architecture and local tradition the 1st Circuit presents. But one element is common to all the moves, he said: "Judges love their books, and all the chambers love their libraries, so there's lots of paper."

Protecting that "paper" – law books, pending-case files, financial records and other court-related documents is very much part of Drew's modus operandi. He finds that moving in phases – "one entire floor at a time" – works best. Toward that end, he uses a color-coded system, with which he labels the furnishings of a particular room with a particular color, in conjunction with a numbering system for each office/chambers room. On the outside door of the office, he posts a layout so that the movers know where to place the furniture in the various rooms.

The contents of the office or chambers in place, Drew makes it a habit to survey the scene and ask himself what his No. 1 design consultant, his wife of 37 years, might say of the result. "Before I leave every room, I say, 'Would Evelyn approve of this layout?'"

Barbara Rabinovitz is public affairs officer for the 1st Circuit.

Security of court's 'giant family' new U.S. marshal's priority

BOSTON – When Anthony Dichio, two months into his new job as U.S. marshal for Massachusetts, is asked how he plans to apply his experience as a long-time State Police trooper in his new post as protector of the federal judiciary in this district, he replies by recounting his role in preventing a difficult situation for a former governor from becoming worse.

The incident was a speaking appearance by then-Gov. William F. Weld at Bentley College in Waltham. Dichio, a senior trooper assigned to the State Police Executive Protection Unit, was responsible for protecting Lt. Gov. Paul Cellucci, who, at the time, was traveling abroad. So it fell to Dichio to accompany Weld to the Bentley commencement exercises that day.

"The governor told me he wasn't feeling well," Dichio recalled, noting that Weld was "carrying a plastic bag in his front pocket" should the need for its use arise. Mindful that his charge had complained of not feeling well, Dichio reversed a basic policy of executive protection.

As he focused on the governor, he observed Weld to be unsteady on his feet. "I made a decision, which could have been a career-ending move, in front of 5,000 people, to interrupt the governor while he was giving a commencement address to see if he was OK."

"The governor advised me he wanted to continue the speech, and I told him I wouldn't leave his side. Just as I said that, he fell forward. I caught him under the arms as he fainted.

"These are the qualities I have that enabled me to excel in my career," Dichio said, concluding his account of what became a widely publicized fainting spell.

Dichio's career with the State Police was launched in July 1980, first as a trooper stationed in Sturbridge and subsequently in the Concord barracks and then in Andover as a member of the 55 (enforcing the 55 m.p.h. speed limit) Radar Team. In 1991, Dichio was asked by State Police Col. Charles Henderson if he would establish a unit for the protection of the then-new governor, William Weld. He went on to protect three governors: Weld, Cellucci and Jane Swift.

After fellow Republican George Bush was inaugurated president in early 2001, Cellucci, on his way to the U.S. ambassadorship in Canada, recommended Dichio for appointment as U.S. marshal here. A protracted nomination process followed, until mid-July of this year when Dichio, 42, won Senate confirmation, allowing him to don a new badge.

As marshal, he is responsible for the safety of 41 federal appellate, district and bankruptcy judges in Boston, Worcester and Springfield. He also oversees a USMS staff of 150.

CLOSING STATEMENT

"We decided that the best tribute is to do our jobs in the ordinary course."

Chief U.S. District Judge William G. Young of Massachusetts, responding to a reporter asking about any special observance by his court on Sept. 11



Photo by Robert P. Souther

The safety of the federal courthouse in Boston and the hundreds of people who work in it is newly named U.S. Marshal Anthony Dichio's responsibility now.

"There are a lot of security issues that need to be addressed, especially in the wake of September 11," Dichio said, citing as some of those issues the safety of the courthouse grounds, building evacuations and IDs at the magnetometers in the lobby.

"I'm not saying this building is going to become Fort Knox, but I am saying that safety and security are my top priorities," he said.

Is the job of protecting those in the judicial branch different from protecting those in the executive branch? "I was responsible for the safety of three governors, their families and their homes," Dichio replies. "And it's the same in the courthouse because, basically, I have this giant family here. It's a huge responsibility, and I look forward to the challenge this job will bring."

THE SHORT CIRCUIT

A QUARTERLY PUBLICATION BY AND FOR THE PEOPLE OF THE 1st CIRCUIT

Ideas for and contributions of news/feature stories are welcome, as are letters to the editor. They should be submitted to:

**Barbara Rabinovitz
Public Affairs Officer**

**John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 3700**

Boston, MA 02210

Phone: (617) 748-4012

Fax: (617) 748-9587

E-mail: Rabinovitz, Barbara

THE SHORT CIRCUIT

A QUARTERLY PUBLICATION BY AND FOR THE PEOPLE OF THE 1st CIRCUIT

Fall 2002

MAN ON THE MOVE

Agent of 'change'
explains his M.O.

By BARBARA RABINOVITZ

BOSTON – The tools of the trade may be simple – a screw driver, a pair of pliers, a small hammer, a plastic tape measure – but the responsibilities associated with being move/relocation manager for the federal courts of the 1st Circuit are anything but. So reports the man who has been managing the moves of courthouse contents in this region for the past five years, in explaining what it takes to keep the wheels of justice grinding through the tedium and chaos of a relocation.

"Moving is a change, and people don't like change," says David G. Drew, "so I have to convince them the move is good."

Summoning his considerable skills in the art of gentle persuasion, Drew tries to make each move, whether major or minuscule, "a team effort," he said, taking a break from orchestrating the relocation of the contents of the supply room in the Office of the Circuit Executive in the federal courthouse in Boston, the building that doubles as his base



Photo by Robert P. Souther

David G. Drew, in charge of moving the contents of courthouses within the 1st Circuit, directs the relocation of office chairs.

of operations. "I like to say that I don't work for people, and people don't work for me; I work with people."

Drew brought that workplace philosophy to the OCE, which he

joined in June 1997, and quickly set to work on his first assignment: relocating the 1st U.S. Circuit Court of Appeals, the U.S. District Court of

Continued on Page 6

A/V system pressed into service for sentencing

BANGOR, Maine – Technology has more than proved its ability to link people in far-flung places, no less so in federal court where audio/visual equipment enables judges to arraign suspects being held in remote locations and witnesses to testify from distant cities.

U.S. District Judge George Z. Singal, who presides in this central Maine city, has applied technology to another phase of a case – a sentencing hearing for a defendant hundreds of miles from the Harlow Street courthouse. And to hear it from the judge, this proceeding via video-conferencing met with considerable success.

"It proved to be another piece of armament in the arsenal to move court business along," Singal said in a recent interview.

The case involved a man, seriously ill and on dialysis, who was in custody at the federal government's combined hospital/prison facility at Fort Devens in Ayer, Mass., more than 250 miles from downtown Bangor. He had entered guilty pleas to robbery charges. To conduct the sentenc-

ing hearing with the defendant present in his courtroom, Singal would have had to authorize two U.S. marshals to drive or fly to Massachusetts and bring the ailing man to Maine, all at a hefty cost to the government for the travel expenses – and at the risk of the defendant's condition worsening.

Singal decided to seek defense counsel's consent to a sentencing hearing by video-conference that would link the court with the fort, thereby eliminating the need for travel on anyone's part. The attorney approved, and the hearing was scheduled for May 15, 2002. The A/V equipment was readied in the courtroom and at the hospital.

Defense counsel traveled to Massachusetts, met with his client and appeared with him during the sentencing hearing. The defendant, who was wheelchair-bound, could observe the judge on the audio-visual equipment and communicated readily and easily throughout the hearing. Apart from establishing the defendant's consent to the

Continued on Page 3

Circuit's courts
making 'waves'
with online filing

BOSTON – As the Administrative Office of the United States Courts moves toward nationwide implementation of the CaseManagement/Electronic Case Files system, or CM/ECF, several district and bankruptcy courts within the 1st Circuit are reporting significant progress in widening public access to documents filed in their clerks' offices.

The CM/ECF system, designed by the AO, will make those case documents filed electronically, or scanned by court personnel, available through the Internet on a round-the-clock basis. Implementation of the system will also result in the immediate creation of docket entries and instant access to updated docket sheets and case documents.

The AO has scheduled a phased implementation that will bring electronic filing to all 94 districts of the federal judiciary in what the AO describes as "waves." For example, in March of this year, Howard J. Grandier, the AO's CM/ECF implementation manager, notified Tony Anastas, clerk of the U.S. District Court of Massachusetts, that his court had been selected as one of the so-called Wave 9 courts. That designation places the USDC/Massachusetts in the forefront of the "district court national roll-out for CM/ECF," Grandier told Anastas.

Continued on Page 3

Stars and stripes 4-ever



Photo by Jim Vaiknoras

At a July 4 naturalization ceremony held in the re-created historic village of Strawberry Banke in Portsmouth, N.H., newly naturalized citizen Zlatko Anic, originally from Bosnia, is welcomed by U.S. District Judge Joseph A. DiClerico Jr. of New Hampshire.

Circuit's law clerks get oriented to their 'rare opportunity'

BOSTON – Arriving by automobile or airplane, or merely by elevator, from judges' chambers throughout the 1st Circuit, nearly 70 new law clerks assembled in the atrium of the John Joseph Moakley United States Courthouse in Boston on Sept. 9 for a noontime kickoff of annual orientation activities on their behalf.

The program, inaugurated in 1982 by circuit librarian Karen Moss and the library staff, provides the law clerks with training in computer-assisted legal research on Lexis-Nexis and Westlaw, introduces them to the chief judge, other members of the bench and administrative court staff and offers tours of the library and the Boston courthouse, which serves as the circuit's headquarters.

After a buffet lunch in the sunlit atrium and deep immersion in CALR in two dimly lit (for slide presentations) training rooms, the law clerks gathered in the high-ceilinged En Banc Courtroom to hear greetings from several judges, one of whom turned out to be a surprise guest.

Accompanied by U.S. Court of Appeals Chief Judge Michael Boudin, Supreme Court Justice Stephen G. Breyer, visiting in Boston that day, entered the well of the courtroom and delivered brief remarks to the clerks, telling them their assignment to this circuit was "a rare opportunity" to learn about the workings of the federal judiciary.

Noting that he used to be the 1st Circuit's chief judge until he "got a different job at the Supreme Court," Breyer said, "This is still a place

where federal courts work the way they're supposed to work," a place with "a great mix of cases," he added.

The only downside to their new jobs, Breyer warned, is that they end "after a year or so."

From U.S. District Judge Patti B. Saris of Massachusetts, education liaison judge for that court, the law clerks learned that the best benefit of the job is "being part of the court family" and having the opportunity to make lasting friendships during their tenure.

Like Breyer, Saris had a warning for the law clerks, reminding them of the importance of balancing their professional and personal lives. "Don't stay up in your little cubicle in the courthouse until 11 p.m. researching cases," she said.

After brief remarks on ethics and confidentiality, Boudin spoke of the need to strike "two different sets of balance" in life and work. He told the clerks that in their work, they need to judge which problems have to get resolved without too much fuss and which need the extra thought and care. And he urged them to "forge a balance between getting the job done and, on the other hand, living a life outside [the courthouse]. It's very easy to let one get out of proportion."

The chief judge, who had clerked for 2d Circuit Judge Henry J. Friendly and then for Supreme Court Justice John M. Harlan, concluded his remarks by expressing the hope that "you have as good a time as we [judges] did" when they served as law clerks.

cuted by the Office of the U.S. Attorney and had an opportunity to witness the adversarial process in action on issues raised by the videos, such as probable cause and search and seizure.

Textbook topics were not overlooked by U.S. Magistrate Judge James R. Muirhead, who discussed jurisdiction and the role of an independent judiciary. Clerk of Court James R. Starr challenged students on the checks-and-balances role of the branches of government.

School officials who attended the event echoed the merits of a coordinated effort on behalf of their students outside school boundaries.

"This was more than we ever could have expected, just an incredible day," said Cathy Leach of Bow High School, who initiated the request for her classes in law and ethics and in humanities. "Would this be a good time to ask to come back next year?"



Photo by Robert P. Souther

New law clerks take training in computer-aided legal research as part of their Sept. 9 orientation at the federal courthouse in Boston.

Awards, staff training highlight P.R. clerk's office conference

By FRANCES RIOS DE MORAN

RIO GRANDE, Puerto Rico – The U.S. District Court for Puerto Rico held its fifth annual conference July 18 at the Westin Rio Mar Beach Resort in Rio Grande, a town 20 miles east of San Juan that is famous as the location of El Yunque, the only rainforest within the U.S. Forest Service. The conference had a dual purpose: recognizing 22 employees of the Office of the Clerk who had logged 25 or more years of government service and continuing with the clerk's training program to promote cooperation and team-building spirit among the staff of the clerk's office.

The conference began with the awards ceremony. Each of the employees with at least a quarter-century of government service was presented with a ceramic miniature of the Jose V. Toledo United States Courthouse in Old San Juan. To many of the honorees, this award had a very special meaning since the federal courthouse in Old San Juan was the place where they launched their careers in public service.

The first session of the training program dealt with "Essentials of Communicating with Diplomacy and Professionalism." Leading the discussion was Kai Rambow, a member of Toastmasters International and author of more than 50 articles in the areas of man-

agement, productivity and employee relations.

Rambow focused on communicating under pressure – staying poised, calm and effective, no matter what the communication challenge – and on managing conflicts and preventing communication problems.

The second training session was devoted to a discussion of "Emotional Intelligence in the Workplace." This session was led by Silma Quinones, a university professor and clinical psychologist in San Juan.

Quinones, a well-known host and guest speaker on Puerto Rico TV and radio stations, discussed the importance of perceiving, understanding and managing emotions in the workplace and on ways to prevent family/home-related problems from affecting one's job performance.

The conference provided an opportunity for growth, professionally and individually, for the 70 members of the USDC clerk's office staff and judges' secretaries who attended. I sensed that they left the meeting agreeing with the sentiment I expressed in my opening remarks: that they are "all special people" and that they "all belong to a team and are striving for the same goal – the administration of justice." *Frances Rios de Moran is clerk of the U.S. District Court for Puerto Rico.*

... in Maine

• Chief U.S. District Judge **D. Brock Hornby** joined Supreme Court Justice **Sandra Day O'Connor** and five other federal judges in a court-to-court exchange with the People's Republic of China held in Beijing, Xian and Shanghai from Sept. 15-23.

• Judges and staff from the U.S. Bankruptcy Court met with members of the local press in the court's Portland headquarters on June 6 for an "Informational Presentation" on the substance of bankruptcy law, USBC procedures, caseload trends and related topics. Participating in the event were Chief U.S. Bankruptcy Judge **James B. Haines Jr.**, who presides in Portland, Judge Louis H. Kornreich, who sits in Bangor, and court clerk Celia Strickler.

... in Massachusetts

• U.S. District Judge **Patti B. Saris** is the new chair of the Judicial Conference's Committee on Defender Services. Her appointment by Chief Justice **William H. Rehnquist** took effect July 15.

U.S. District Judge **Nancy Gertner** was appointed to the conference's Committee on Information Technology.

• Senior U.S. District Judge **A. David Mazzone** has been named to a committee appointed by Massachusetts Supreme Judicial Court Chief Justice **Margaret H. Marshall** to study management in the state's courts.

• U.S. District Judge **Mark L. Wolf** received the Boston Bar Association's Citation of Judicial Excellence Award at the association's Law Day Dinner in Boston on May 1.

• U.S. Magistrate Judge **Joyce London Alexander** is among several women in public service being recognized by the Women's Educational and Industrial Union in an exhibit that opened in June at the State House in Boston and will be displayed in locations across the district until the end of the year. The Women's Union launched the celebration of 125 years of advocacy for Massachusetts women with "Every Woman's Voice: 125 Years of Women's Leadership Photo Exhibition," which honors those women "who have made significant contributions to the lives of other women and families in their own communities and beyond."

• For the second time in as many years, U.S. District Judge **Michael A. Ponsor** of Springfield welcomed to his courtroom members of the incoming first-year class at neighboring Western New England College School of Law for a discussion on professionalism. The program is now part of the law school's orientation for its first-year students.

• **Paul Lyness** has been assigned courtroom clerk to U.S. District Judge **George A. O'Toole Jr.** For the previous four years, Lyness had been with the Office of the District Court Executive in the Southern District of New York.

Two other new staffers have joined the Office of

RIDING CIRCUIT

the Clerk on a permanent basis: **Elizabeth Elefther**, financial clerk, and **Janet Doring**, secretary to U.S. Magistrate Judge **Joyce London Alexander**.

• Several USDC employees were recognized at a June 20 ceremony with the following awards: Length of Service Pin recipients — **Philip Lyons**, 35 years; **Denise Reilly** and **Linda Topalian**, 30 years; **Mary Cummings**, **Francis DelloRusso**, **Catherine Gawlik**, **Virginia Hurley**, **Pamela Owens** and **LaVern Shelton**, 25 years; **Eileen Feeney**, **Christine Karjel**, **Thomas Quinn** and **Donald Womack**, 20 years; **Patricia Casey-Price**, **James Gibbons**, **Harold Hagopian** and **Margaret Priestley**, 15 years; **Kathleen Dolan**, **Judith Nappi**, **Leonard Rideout** and **Jill Ruggieri**, 10 years; and **William Doe**, **Edis Feldhouse** and **Michelle Rynne**, five years.

Employees of the Quarter Award — **Mary Johnson**, April-June 2001; **Jeanette Ramos**, July-September 2001; **Karen Folan**, October-December 2001; and **Eugenia Edge** and **Judith Litwin**, tied for January-March 2002 in a managers' vote.

Special Recognition Award (individual) — **Eugenia Edge**; **Elaine Flaherty**; **Douglas Holmes**; **Pamela Owens**; **Jill Ruggieri**; and **Deborah Scalfani**.

Special Recognition Award (group) — **Marie Bell** and **Elizabeth Smith**; **Lee Marzilli**, **Jill Ruggieri** and **Harold Hagopian**.

Superior Performance Award — **William Doe**; **Catherine Gawlik**; **Philip Lyons**; and **Michelle Rynne**.

Employee of the Year Award — **Deborah Scalfani**, the first to receive the honor, for her "willingness to go to bat when needed, without hesitation, and to excel in meeting the challenge."

At a ceremony in late August, two employees of the Office of the Clerk in Springfield were honored for their achievements: **Mary Finn**, docket clerk to Senior USDC **Frank H. Freedman**, for "superior performance"; and **Martine Talbot**, also for "superior performance" as the PC specialist in the western division.

... in New Hampshire

• The U.S. District Court in late May sponsored two "Fundamentals Seminars" for 140 paralegals, legal assistants, secretaries and attorneys representing 63 law firms in the Granite State. Presenters from the Office of the Clerk included: **Kathleen Northrup**, chief deputy clerk; **Brenda Comire**, intake deputy; **Patricia Kelly**, administrative assistant; **Catherine Dube**, jury administrator; and case managers **Judy Barrett**, **Cathy MacEwan** and **Deborah Eastman-Proulx**.

... in Puerto Rico

• **Celestino Matta-Mendez**, clerk of the U.S. Bankruptcy Court, reports that the installation of video-conference equipment has been completed in all the courtrooms of the Jose V. Toledo United States Courthouse used by the bankruptcy court.

Also on the technology front, Matta-Mendez reports that the Court Automated Orders System, or CAOS, which creates and processes selected orders and documents as indicated by the user and approved by the judges, is up and running. Matta-Mendez said the court's systems department, headed by **Felix Mendez**, was key to the successful implementation of the CAOS system.

... in Rhode Island

• **Barbara St. John** has joined the staff of the Office of the Clerk of the U.S. District Court in the newly created position of operations support generalist. Previously, St. John was an administrative assistant with the law firm of Nixon Peabody.

• Two U.S. Bankruptcy Court employees were honored by the Federal Executive Council of Rhode Island at its 30th annual awards ceremony this spring. **Ann M. McGloshen**, administrative assistant, received the John H. Chafee Humanitarian Award, and **Lucinda Cory**, courtroom deputy, was nominated Administrative Employee of the Year.

• **Susan Thurston**, USBC clerk, was presented with a Special Service Award for her efforts on behalf of the National Conference of Bankruptcy Clerks, specifically her committee work and legislative updates. The Office of the Clerk received NCBC's Gold Membership Award in recognition of its 76 percent membership level in the conference.

... Circuit-wide

• U.S. Court of Appeals Judge **Bruce M. Selya** received an honorary degree from the Roger Williams University School of Law at its commencement ceremonies in May on the school's Bristol, R.I., campus. The judge was cited for his "commitment to public service and to the development of legal doctrine" and for "the exemplary standard" he has set "for excellence and professionalism in the legal community."

Two new employees have joined the Office of the Circuit Executive. **Martin Boi** has been named assistant circuit executive for court facility operations. He is working with **Barbara Manford**, assistant circuit executive for space and facilities, and **David Drew**, facilities project manager in charge of court relocation, on courthouse-building issues. Boi is also responsible for telecommunications and the security of facilities.

Janet Earley-Lynch is the OCE's new receptionist and administrative assistant. In addition to office administration, her duties include assisting budget analyst and personnel specialist **Cheryl Vaiknoras** in financial administration.

• **Janice M. O'Neill**, who began working as a clerical assistant in the Office of the Clerk for the Court of Appeals in February 1974, retired as chief deputy clerk in August. Within four months of her arrival at the court, O'Neill was moving up the ranks, from deputy clerk to senior deputy clerk, operations manager and then, in January 1994, chief deputy clerk.

Courts of circuit going ‘live’ with electronic filing system

Continued from Page 1

On June 20, Judge Nancy Gertner, the court’s technology liaison judge, held a demonstration of the new system in the federal courthouse in Boston to familiarize members of the bar, public and media with its use. The new system is expected to be fully operational in her court by the spring of 2003.

Other courts within the circuit recently responded to a request by The Short Circuit for updates on their efforts to provide CM/ECF in their respective districts. A summary of their responses follows:

MAINE

A two-day technical site visit in August for the U.S. District Court was "incredibly productive," according to the court’s chief deputy clerk, Linda Jacobson. She noted that Lee Womack, the Texas Training Center staff member who wrote the starter dictionary for the entire project, was "extremely impressed" with the work of the court’s "dictionary team" on the civil dictionary.

"Likewise," Jacobson continued, "Greg Wilson, the systems person from the Texas Training Center, was extremely impressed with the systems work that has been done on this end since June. We apparently are at a point which most courts don’t reach until immediately prior to conversion" to CM/ECF.

Jacobson outlined an approximate timetable for further implementation: dictionary team to continue work on the criminal dictionary until the end of September; mapping and other dictionary-related work to occur through October; two-week "cushion" for any unforeseen issues until Nov. 15; launch of several "test" conversions, to be completed by mid-December.

Jacobson said that if conversion proves successful, the court anticipates it will "go live" with the CM portion of the project on Jan. 2 and with the ECF portion on June 1.

In the U.S. Bankruptcy Court, conversion to the new case management system "went off as planned" in mid-January, Celia Strickler, USBC clerk, told The Short Circuit. She credited the project team and the entire court staff for "a fantastic job of getting us through the initial stretch."

On May 23 in Portland and May 24 in Bangor, the U.S. trustee, case trustees and their staff members sat in on demonstrations of the ECF portion of the system. During July and early August, Chapter 7 and Chapter 13 trustees and their staff members, along with the office of the U.S. trustee, completed ECF training provided by Strickler’s office. All trustee electronic filing commenced on Aug. 19.

Training for a pilot attorney-filer group was set for September, with a go-live date to follow immediately.

Both USBC judges have signed the court’s Standing Order Regarding Administrative Procedures for Electronically Filed Cases, authorizing the Administrative Procedures for Filing, Signing, Maintaining, and Verifying Pleadings and Other Documents in the Electronic Case Filing (ECF) System.

MASSACHUSETTS

The U.S. Bankruptcy Court is "thoroughly involved" in preparations for the conversion to the CM/ECF system, reports the court’s clerk, James Lynch.

"We have nine committees working on various issues, including an Attorney Advisory Committee that has assisted in the development of new electronic filings rules," Lynch said. That committee will

also assist in planning the required training for attorneys and their staff members, he added.

A Chambers Committee, consisting of the courtroom deputy and a law clerk from each chambers, has drafted a workflow chart reflecting how a particular chambers processes its paper, Lynch said, noting that the committee will refine the charts to indicate how each chambers "would like to receive and process their documents under CM/ECF."

NEW HAMPSHIRE

The U.S. District Court is scheduled to begin preparation for CM/ECF in January 2003. USDC Clerk James R. Starr and administrative assistant Patricia Kelly are co-managers of the project.

The U.S. Bankruptcy Court was the first federal court in the 1st Circuit to "go live" with CM/ECF, said clerk George Vannah. The court began using the CM side of the system in December 2001, and training for staff and members of the court’s Bar Advisory Committee and Chapter 7 case trustees followed. On April 1, the court "went live" on the ECF side of the system and proceeded to train 89 lawyers and 54 of their support staff members in using the system.

"We welcome any opportunity to discuss our experience and have had fact-finding and idea-exchange visits from our colleagues in Maine, Massachusetts and Rhode Island, as well as from our own district court," Vannah said. "Our next challenge will be the implementation of Version 2 of CM/ECF, which is available as this goes to press."

PUERTO RICO

Angel A. Valencia-Aponte, U.S. District Court chief deputy clerk, reports from Puerto Rico that Judge Jose A. Fuste and he led group visits

to the USDCs in the District of Columbia and the District of Maryland from Sept. 8-10. The group included the operations manager from the clerk’s office and other personnel in operations and systems.

"We have divided the group into four subgroups," he said, "to address the several areas in the program – operations, training, file-intake, process, systems staff, dictionary, operations work leaders, attorneys, locals rules, judges and staff and clerk. ...

"Back home [from the visits to D.C. and Maryland]," Valencia-Aponte continued, "we have been developing an agile program that includes working groups for an implementation strategy." These entities include project management groups, a project implementation group, support/systems group, process workflow group, training group, dictionary group, local rules and others.

RHODE ISLAND

The U.S. Bankruptcy Court is in Wave 8 implementation of CM/ECF and expects to be "live" on the system in early February 2003, according to Susan Thurston, court clerk. And in July of next year, the court will begin accepting electronic bankruptcy filings from attorneys who have completed an in-house training program, she announced.

CM/ECF servers were delivered in the spring, and members of the Office of the Clerk attended training classes in San Antonio, Texas, this past summer. An AO implementation team was scheduled to make a site visit the week of Sept. 16.

A new training room within the clerk’s office is nearing completion for use in the training of "internal and external users of the CM/ECF application," Thurston said.

IN CHAMBERS

Celebrating progress of women in the law, greatness of a nation

The following are excerpts from an acceptance speech given by U.S. District Judge Rya W. Zobel of Massachusetts on the occasion of receiving the Margaret Brent Award at the annual meeting of the American Bar Association this summer in Washington, D. C. The award is named for the first woman to practice law in this country.

This award reminds me once again of the happy confluence of time and place in my life, how extraordinarily fortunate I have been to have become a lawyer and a judge at this time and to have been brought to this place, to this country.

Margaret Brent unquestionably started something when she came to the American continent in 1638. Some 350 years later, we are still working to complete what she began, and for a long time between then and now our progress has been slower than the growth rate of a stalagmite.

As of the end of 2001, women hold 33 of the 134 judge-ships in the U.S. courts of appeal and 127 of the 579 judge-ships in the U.S. district courts. That means that 25 percent of the active appellate judges and 22 percent of the federal trial judges are now women. I recite all these numbers, boring though statistics can be, not in complaint, but to suggest that there is cause for celebration. I am not Pollyanna; I do not believe that we have arrived; I do not pretend that women have fully equal opportunities; I do not ignore the reality that discrimination remains alive and strong. But now, night now, on this occasion I wish to celebrate how far we have come.

In the last 23 years, since my own judicial appointment in March 1979 made me the 16th woman to sit on the federal bench, the total number of women appointed to the federal bench has grown to 218 — well, 220, if you include the Supreme Court.

In the private sector, women are now managing partners of major law firms; they are increasingly gaining national reputations in important specialties from intellectual property to litigation. Within the American Bar Association, women have in recent years chaired any number of sections and have finally attained the ultimate position, the presidency, twice.

So let us celebrate how far we have come and what we have accomplished even as we go on to do more.

I want also to celebrate this country. Margaret Brent accomplished much in America which, in England, she could never even have attempted. In that respect, my experience parallels hers. When my brother and I came to America, we had nothing except the most generous and loving relatives. I am certain that there is no other country in the world where a person with my background would have the opportunities I had. Where else could an immigrant receive the first-rate education that was afforded to me? Where else could such an immigrant work as a law clerk for the government? Where else would this immigrant be eligible for the greatest job in the law and one of the highest honors the country can bestow, to serve the people as a U.S. district judge? And all the while I can also openly comment on the policies of this government, from sentencing rules to the abrogation of treaties to TIPS. I can worry about current laws concerning immigrants and immigration. I can ask how this model of law and order came to be so much more order than law.

So, for me, America has been and is a great country, and I am forever grateful to be here. Thus, the happy confluence of time and place with which I began.

IN BRIEF

Technological advances create need for ACE for court facility operations

By MARTIN BOI

The Office of the Circuit Executive has a new staff member. In late June, I relocated from Wheaton, Ill., a suburb of Chicago, while encouraging my family that residing in the Boston area would be an exciting new opportunity for us all.

In the spring of this year, I was offered and I accepted a position as assistant circuit executive for court facility operations. My job is somewhat unique in that it encompasses a number of different court functions, but most involve a technical flair and organizational discipline. The job responsibilities can include issues and activities relating to telecommunications systems, courtroom technology, implementation of new administrative technology, security, court business continuation and general support for building renovations and construction.

My immediate priorities are to develop a better understanding of court operations both internally within the 1st Circuit and externally when interacting with the offices in Washington, D.C.

Also, being the new person inheriting someone's former duties, I need to make changes that take advantage of my work and organizational styles. Long-term projects include defining and documenting how the 1st

Circuit will operate if disruptions occur in our normal court activities. Federal regulation demands that the courts develop internal policies and programs to assure the continuation of our mission when unfortunate circumstances suspend typical work performance; this effort is known as COOP — for "continuity of operations." Once prepared, these procedures will guide our responses to and actions during untimely but anticipated events.

Technology infiltrates most people's daily lives. Commendably, the courts also have embraced technology to improve administrative tasks and the legal debate process. We find networked computers in our offices and now see technology assisting courtroom proceedings with evidence presentation, audio systems for improved hearing and language interpretation, video-conferencing to communicate better with people in remote locations, and computer-based controls to orchestrate these systems easily and effectively in a courtroom setting.

I bring to this challenging new position a technology background, by education and various technical job experiences. I have always had a penchant for science and technology. I trust that my ability to quickly understand and properly utilize technology will result in improved efficiency and project coordination within the 1st Circuit and supporting agencies.

IN RETROSPECT

Trio of judges a steady force in a decade of turbulence

Q. *Who comprised what history has recorded as the 1st Circuit's "great triumvirate" ?*

A. Three 1st U.S. Circuit Court of Appeals judges who served on the bench during the 1940s earned that distinction, George Dargo writes in "A History of the United States Court of Appeals for the First Circuit." They were Calvert Magruder, the circuit's first chief judge; John Mahoney, who had been at U.S. District Court judge in Rhode Island; and Peter Woodbury, previously a member of the New Hampshire Supreme Court.

While each maintained offices in separate cities — Magruder in Boston, Mahoney in Providence, R.I., and Woodbury in Manchester, N.H., geographical distance and relatively rudimentary communication systems did not bar the three judges from developing close ties.

Appointed in early 1940, only a few months after Magruder joined the court, Mahoney, with nearly five years' experience as a federal judge, made a smooth transition to the appellate bench. However, communication between the two was, Dargo writes, "confined to official business."

On the other hand, "a deep personal bond" developed between Magruder and Woodbury,

the latter having been a student of the former at Harvard Law School, says Dargo. The historian recalls an emotional crisis that Woodbury endured at the time of his confirmation, an experience that seems to have cemented his relationship with Magruder. Woodbury's teenage son, suffering from the impact of infantile paralysis, died early in 1941. "Life must be faced," the grieving father, seeking solace in his new job, wrote in reply to a condolence letter from his chief. "He did and we can."

Woodbury, only 42 at the time of his appointment to the 1st Circuit, conceded in a Feb. 2, 1941, letter to Magruder that "you will find me entirely ignorant of many phases of your work but others have learned about patents, admiralty, income tax and the new statutes so I assume that I can too, but you may have your patience tried for a time."

Historical documents indicate that Woodbury quickly proved his ability and earned the confidence of his two, more senior colleagues. "With Woodbury in place, the triumvirate of the 1940's was complete," says Dargo. "It would remain unchanged for a decade and exist as a center of stability and cohesiveness amidst a world of change and a nation at war."

Technology closes geographical gulf between court and defendant

Continued from Page 1

process, the hearing was uneventful, Singal said.

The sentencing guidelines for the crime called for a prison term of 46 to 47 months. In the end, Singal sentenced the defendant to a term of 46 months. The sentence will be served at Fort Devens until or unless the defendant recovers sufficiently to be transferred to another prison facility.

"We often use video-conferencing for a com-

petency hearing, for example," Singal said. "We routinely get expert evidence about a person’s mental health, and ability to stand trial, by a psychologist. To bring an expert witness here for two hours’ worth of testimony doesn’t make sense."

Singal acknowledged that the audio/visual sentencing of the defendant at Fort Devens presented a unique set of circumstances, given the man’s physical condition and the great distance between the hospital/prison and the court. Still, he believes that the equipment has yet to be fully uti-

lized by federal judges assigned to communities far removed from scientific professionals and other witnesses called to testify, from detention facilities or prisons in which suspects await arraignment or from the prisons in which defendants await hearing.

"Technology is underutilized," Singal said. "I believe this case provides additional evidence that the audio-visual equipment can be put to good use in court proceedings other than arraignments and trial testimony."